

al majdal



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BADIL Resource Center for Palestinian Residency and Refugee Rights

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PALESTINIAN REFUGEES FROM SYRIA: ONGOING NAKBA, ONGOING DISCRIMINATION



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Front cover photo: Yarmouk residents gathered to await a food distribution from UNRWA in January 2014. © UNRWA Archives

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Editorial

by *BADIL staff*



Yarmouk residents gathered to await a food distribution from UNRWA in January 2014. (© UNRWA Archives)

In this issue, *al-Majdal* aims to present an account on the situation of Palestinian Refugees in and from Syria. We provide the most up-to-date data on Palestinian Refugees in/from Syria.

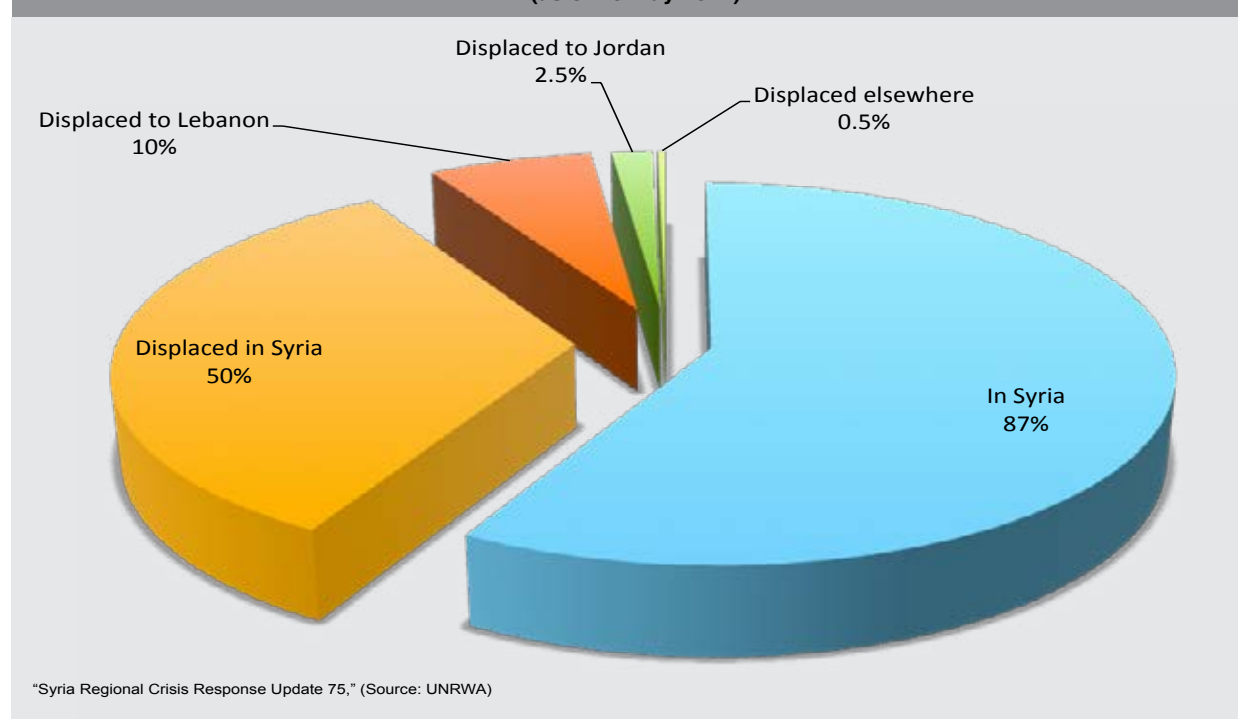
Of the 750,000 and 900,000 Palestinians who were displaced from Palestine during the Nakba, 90,000 found refuge in Syria in 1948.¹ By the start of the Syrian uprising in 2011, the Palestinian refugee population in the country had grown up to 500,000; they constituted almost 3% of the population of Syria and 10.5% of the Palestinian refugees falling under the mandate of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA).² Over the last two years, an additional 40,000 Palestinian refugees have registered with UNRWA.³

Syria is thought to be a country where Palestinian refugees were treated relatively well.⁴ Registered Palestinians enjoyed, by law, almost the same rights and benefits to which Syrian nationals are entitled, with the exception of citizenship and the right to vote.⁵ As early as January 1949, the Syrian government created the Bureau for Palestinian Arab Refugees, later known as the General Authority for Palestinian Arab Refugees (GAPAR), “the main Syrian government body that engages with Palestinian refugees”, with “an active presence in Palestinian refugee camps”.⁶ The GAPAR is responsible for “organiz[ing], reliev[ing] and secur[ing] different needs for refugees, in addition to allocating suitable jobs for them”.⁷ Furthermore, “Syria has implemented the Arab League resolutions concerning the treatment of Palestinian

refugees, including the Casablanca Protocol”,⁸ which provides Palestinian refugees with full access to education – “although most go to UNRWA schools in the primary grades because the classes there are smaller” – no restriction on employment (including public sector) and travel, and only a few restrictions in regards to ownership of property.⁹

Most Palestinian refugees in Syria remained neutral, marked by the memory of the September 1982 Sabra and Shatilla massacres, the expulsion of stateless Palestinians from Kuwait during the first Gulf War in 1990, and the traumatic experience in Iraq after the U.S. invasion in 2003.¹⁰ This neutrality, notwithstanding, did not prevent the Syrian Army from invading the Palestinian refugee camp of al-Ramel, in the city of Latakia in August 2011. This invasion forced the displacement of approximately 5,000 Palestinians.¹¹ On 16 December 2012, a Syrian jet bombed Yarmouk Camp – the biggest Palestinian refugee camp in Syria – in what the government claimed was an error, killing tens of civilians.¹² The mass displacement that followed reduced Yarmouk’s original population of 160,000 to about 30,000 inhabitants.¹³ In April 2013, 6,000 residents of Ein el-Tal refugee camp were forcibly displaced in a single day, “following months of sporadic armed engagements”.¹⁴

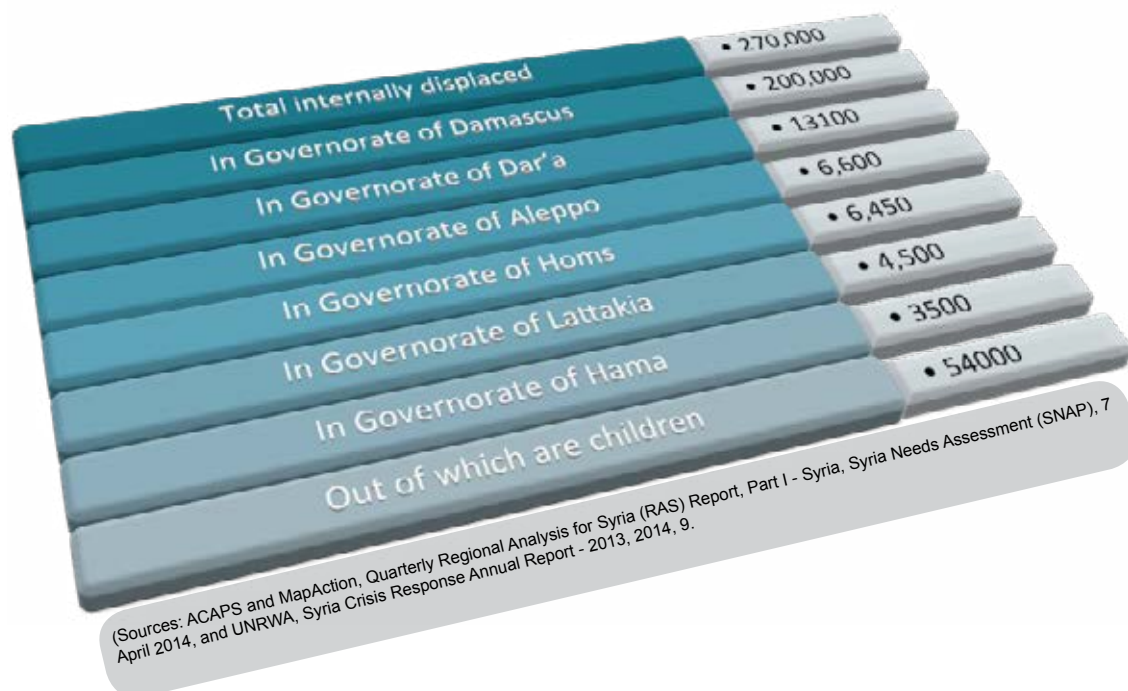
Table 1: Distribution of Palestinian refugees registered with UNRWA Syria (as of 23 May 2014)



Although many of the displaced Palestinian refugees, from these camps and others, remained in Syria as internally displaced persons (see tables 1 and 2), some refugees sought refuge in other countries. Most Palestinian refugees from Syria were forced to go to Jordan and Lebanon. However, the sealing off of borders in Jordan in January 2013 limited the flow of Palestinians into the country.¹⁵

Currently, 440,000 Palestinian refugees in/from Syria require UNRWA’s assistance to meet basic needs¹⁶, a number that amounts to 81% of the total.¹⁷ Not all of them, however, are displaced. While displacement is one of the characteristics of Palestinian refugees from Syria assisted by UNRWA, the agency also

directs its assistance to those who suffered a casualty or injury, those hosting displaced persons, and those whose socio-economic situation has been negatively affected by the conflict.¹⁸



This situation is a direct result of the discriminatory treatment given to Palestinian refugees, both by host states as well as by international laws and institutions. Stateless Palestinians are an acutely vulnerable group in the Middle East. They continue to suffer from forced secondary displacement due to the political crises in the region. While discriminatory laws and unfriendly policies will be analyzed more in-depth in this issue of al-Majdal, it is important to emphasize that by denying the right of Palestinian refugees to return to their homes of origin, Israel has a major role and responsibility in the current situation of Palestinian refugees in/from Syria.

Allowing the return of refugees would end the cycle of forced population transfer endured by Palestinians for over 66 years. Armed conflict, instability, and discriminatory policies result in multiple displacements of Palestinian refugees, displacements which would not occur if Israel respected Palestinians' internationally recognized right of return. This denial coupled with discriminatory policies have left Palestinians in limbo, sometimes unable to find even the temporary refuge that they must be afforded in cases of "massive exodus," seen now out of Syria.

Palestinian refugees are entitled to full protection until they are afforded reparations including return, restitution and compensation. Short of that, immediate attention and care must be given to this vulnerable population in/from Syria, and the discriminatory policies must end, in order to afford Palestinian refugees fleeing Syria adequate protection.

BADIL produced a summary of a Report produced by the Boston University School of Law International Human Rights Clinic on 'Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing'. The Report sets out a framework for how states in and outside the Middle East can implement genuine responsibility-sharing of the refugee population in this region through existing laws and policies, integrating

Syrian and non-Syrian refugees through short-term and longer-term admissions. In addition, it identifies the main protection gaps for both Syrian refugees and Palestinian refugees from Syria, followed by a list of recommendations for host states. The Report calls for international responsibility-sharing through a Comprehensive Plan of Action to be launched on an urgent basis in cooperation with states and relevant actors from the UN and civil society. This is a matter of extreme importance, as the number of refugees fleeing Syria increases day by day and the gaps in protection continue to widen. Syrian refugees are not receiving adequate protection in the host countries, and Palestinian refugees from Syria are particularly suffering from secondary displacement and discrimination. The summary is aimed towards the general public with little or no knowledge in international law and institutions. Links to the full Report as well as the Summary can be found on the following page: <http://www.badil.org/en/press-releases/146-2014/4350-press-eng-28>

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Challenging the International Framework for Palestinian Refugees in light of the Syria Crisis*

by Jasmin Fritzsche**

Introduction



A Palestinian refugee from the Syrian refugee camp of Yarmouk holds up his passport in front of the United Nations Relief and Works Agency (UNRWA) offices in the Cola district of the Lebanese capital, Beirut, on 19 December 2012. (Source: al-akhbar.com)

In 2011, fighting broke out in Syria, creating over three million refugees fleeing mainly to surrounding Arab countries such as Lebanon and Jordan.¹ Alongside the Syrian citizens affected by the conflict is a population of about half a million Palestinian refugees.² As former Commissioner-General of United Nations Relief and Works Agency for Palestine Refugees (UNRWA), Filippo Grandi, put it in a January 2014 lecture at the American University of Beirut:

In some cases, Palestinians (and indeed other civilians) have left *en masse*, either fleeing from fighting or forced away at gunpoint. The dynamics shift along with the geography of the conflict, each camp experiencing it in different but equally devastating ways. Even Palestinian camps that have been relatively safe and are housing many displaced refugees, like in Homs, or in Jaramaneh near Damascus, sit precariously adjacent to battle zones. In the space of a few months, between the end of 2012 and the first months of 2013, life suddenly became very precarious for thousands of Palestinians in Syria. Just a week ago - in one more example of the blatant disregard for the laws of war that has characterized this conflict - an explosion close to an UNRWA school near Dera'a, left 18 dead, including five UNRWA school children and one staff member.³

While Syrian citizens generally find a difficult time in the countries of refuge, Palestinian refugees fleeing the same war in Syria in many cases face additional obstacles such as denied access and forcible return. The exclusion of Palestinians from protection is not only a phenomenon occurring on a national political level but can also be found in international law. The establishment of the UNRWA - and with this the separation of Palestinian Refugees from the mandate of the United Nations High Commissioner for Refugees (UNHCR) - was intended to protect the identity and rights of the Palestinian people. However, it contributed to the construction of a separate and unique category of ‘*Palestine* refugees’, and therewith created an environment in which discriminatory policies can flourish.

This paper aims to analyze the interplay between the international framework for Palestinians and the respective policies in place in Jordan and Lebanon, with a special focus on the refugee movement from Syria. I argue that the international measures adopted for Palestinian refugees are unsuitable and inadequate to manage their protracted and multiple displacements occurring since the 1940s. With this analysis, the paper aims to contribute to an ongoing legal debate on international protection of Palestinian refugees. By focusing on the effects this separate international protection regime has on Palestinians’ ability to receive protection in case of multiple displacements, this paper adds an additional component to the debate by pointing out the need to rethink the international approach to the Palestinian refugee situation in light of the Syrian crisis.⁴

The Syria crisis and Jordan

As of March 2014, nearly 600,000 ‘Syrian refugees’ are registered with UNHCR in Jordan. The vast majority of refugees from Syria live in non-camp setting mainly in the North of Jordan, while only about 120,000 are hosted in the UNHCR operated refugee camps in Zaatari and Azraq.⁵ The UN interpretation⁶ of Article 1D of the 1951 Convention⁷ and Paragraph 7(c) of the UNHCR Statute⁸, leads to the exclusion of Palestinian refugees residing within UNRWA’s area of operations from UNHCR’s mandate. Hence, Palestinian refugees are not covered by the assistance provided by UNHCR inside and outside of the camps, and therefore not displayed in UNHCR’s official numbers of the Syria crisis. According to UNRWA, by April 2014 over 13,000 ‘*Palestine* refugees’⁹ from Syria have fled to Jordan.¹⁰

Convention Relating to the Status of Refugees, 1951. Article 1D.

“This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.”

BADIL is working on an updated interpretation of Article 1D of the 1951 Refugee Convention. The new edition of the BADIL’s Handbook is expected to be released by the end of 2014.

Protection Gap

Protection encompasses “all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e., human rights law, international humanitarian law and refugee law).”

Under international law, states are the primary party obliged to provide protection for persons under their sovereignty or jurisdiction.

States, whose policies and practices constitute gross violations of international human rights law and serious violations of international humanitarian law that lead to the forcible displacement of such persons, by definition, violate their legal obligation to protect and must offer effective remedies and reparations. Such violations, failure to protect and/or to provide effective remedies constitute a gap in protection.

Palestine Refugees

Palestine refugees is the term used by UNRWA to refer to those “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.”

Jordan's no-entry policy for Palestinian Refugees from Syria

In January 2013, the Jordanian government officially announced a non-entry policy for Palestinian refugees from Syria. Subsequently Palestinian refugees fleeing the conflict in Syria have been blocked from entering the country through official ways. With this policy, the Jordanian Government is clearly in breach of the international principle of *non-refoulement*¹¹. In an interview with the pan-Arab newspaper Al-Hayat on 9 January 2013, Jordan's Prime Minister Abdallah Ensour reaffirmed the country's commitment to finding a solution for the Syrian people and emphasized that the country was fulfilling its obligations by accepting large numbers of Syrian refugees.

Jordan has accepted tens of thousands of Syrian refugees. We hope the bloodshed ends as soon as possible, and we emphasize the need to resolve the Syrian conflict politically.¹²

Referring to Jordan's official non-entry policy for Palestinian refugees fleeing from Syria on Syrian travel documents, Ensour stated:

There are those who want to exempt Israel from the repercussions of displacing the Palestinians from their homes. Jordan is not a place to solve Israel's problems. Jordan has made a clear and explicit sovereign decision not to allow the crossing to Jordan by our Palestinian brothers who hold Syrian documents. Receiving those brothers is a red line because that would be a prelude to another wave of displacement, which is what the Israeli government wants. Our Palestinian brothers have the right to go back to their country of origin. They should stay in Syria until the end of the crisis.¹³

This statement is the strongest example of how Jordanian policy-makers view the situation of Palestinians coming from Syria and it deserves closer examination. The argument is rooted in the original Arab rhetoric prevalent during the drafting of the 1951 Convention with regard to Article 1(D) and its 'exclusion clause'. Referring to their right of return and Palestinians' status as Jordan's 'brothers', Ensour places emphasis on his country's role as the protector of the Palestinian cause. He argues that should Jordan allow Palestinians from Syria into Jordan, it would weaken the Palestinian cause by removing the responsibility of first displacement from Israel. This type of thinking is not a new development and has been a constant feature of populist reasoning related to Palestinian refugees. However, this disregards the fact that Palestinians have already been subjected to multiple displacements have not 'lost' their status as Palestinian refugees. Contrasting this Jordanian statement with the previous one on Syrian refugees, it becomes evident that there is a clear compartmentalization between Syrians and Palestinians. In doing this, Jordan places different burdens on these two peoples, resulting in discriminatory policies towards Palestinians coming from Syria.

In order to safeguard their right of return, Palestinian refugees have been compartmentalized. This has shaped the international legal regime with regards to the codification of a separate Palestinian refugee status, separate institutions, and separate understandings of responsibility. The international community, at the behest of the Arab states, institutionally excluded Palestinians from the 1951 Refugee Convention and its 1967 Protocol. In practical terms, this separation in international laws and institutions allows some states to discriminate against Palestinians under the guise of safeguarding their right to return, whilst claiming legitimacy under the cloak of internal law.

The Syria crisis and Lebanon

As a result of the crisis in Syria, Lebanon has been experiencing one of the biggest influxes of displacement in its modern history. In May 2014, the number of Syrian refugees who fled to Lebanon exceeded one million.¹⁴ With a local population of about 6 million and nearly half a million Palestinian refugees, the new movements of refugees from Syria challenges the fragile state system and peace in the country. With violence spilling over, refugees from Syria are perceived a threat to Lebanon's fragile peace. In fact, the new influx of refugees from Syria puts enormous pressure on already existing refugee communities and infrastructure in the country.

Overcrowded and underfunded refugee camps and rising rental fees paired with a lack of income due to the restrictive employment policies for Palestinians, have led to Palestinian refugees from Syria to be hosted by the poorest host communities in Lebanon, posing a serious worry to the existing structures. Economic survival seems to be the main concern of the community, as a needs-assessment conducted by the American Near East Refugee Aid (ANERA) indicates.¹⁵ With households exceeding 15 persons, there is a high risk for communicable diseases and stress in certain areas. Since August 2013, Lebanon has repeatedly deported and turned away Palestinian refugees at its border.

Lebanon's official response to incoming refugees is governed by the Memorandum of Understanding between its government and UNHCR from 2003. However, this MoU does not apply to the current Syrian crisis, as it mainly deals with individual cases and does not recognize large-scale refugee influxes. As of the beginning of 2014, there has not been any new MoU to deal with the influx from Syria. Until the Lebanese government and UNHCR reach a new agreement, its response to the situation is reliant on its respective ministries' policies. The Ministry of Education grants access to public schooling at a reduced rate for registered refugees and the Ministry of Health provides access to primary healthcare.¹⁶ With UNHCR as the point of registration for refugees, and Palestinians being excluded from its mandate, they are not qualified for such basic public services. Palestinians from Syria are registered with UNRWA and, through this, only qualify for its pre-existing benefit structures for Palestinian refugees. As mentioned previously, Palestinian refugees in Lebanon are denied access to public education and healthcare and are treated differently from those considered to be 'Syrian refugees'.

Current Lebanese policies are shaped by extreme marginalization of Palestinians in the country. Treating the Palestinian population from Syria as Palestinian refugees - rather than being part of a group of refugees from Syria - is discriminatory as it places them into an already marginalized group. A better approach would be to view the populations coming from Syria as one refugee influx in need of special protection mechanisms. This could, in the eyes of the Palestinian population already present in Lebanon, be viewed as discrimination against them. However, it is necessary to acknowledge the temporary and pressing protection needs of an entire group fleeing the Syrian conflict, irrespective of their territory of origin. Under the current system, the UN pushes an extremely vulnerable group into a pre-existing system of marginalization.

Conclusion

This paper analyses the interplay between the international framework in place for Palestinians and the respective policies in Jordan and Lebanon focusing on the most recent refugee movement from Syria. My argument has been that the international measures adopted for Palestinian refugees are unsuitable and inadequate to manage the protracted and multiple displacements they have faced since the 1940s. I outlined and assessed the international legal framework, as well as the policy responses in Jordan and

Lebanon. In doing so, I concluded that the internationally-established separate regime for Palestinian refugees allows for discriminatory policy responses in Jordan and Lebanon. This is not a one-way street as these countries, along with their fellow Arab states, played and continue to play an active role in establishing and shaping the separate international legal regime for Palestinian refugees.

In summary, the existing international legal framework is based on the understanding that Palestinian refugees are distinct from other refugees, due to the nature of their first displacement. At the time of drafting the 1951 Convention, Arab states had argued that, unlike most other refugees, Palestinians had not become refugees because of actions conflicting with international principles of the UN but rather as a direct result of a decision taken by the latter. The common understanding therefore has been that the UN should be obligated to protect those refugees and find durable solutions rather than the host states. As a result, historically, Palestinian refugees as such are institutionally as well as linguistically separate from the refugee concept outlined in the 1951 Convention. Over the past 60 years, this exclusion has contributed to the marginalization of Palestinian refugees on the international and domestic level, and resulted in a gap with regard to their individual protection due to the early collapse of the United Nations Conciliation Commission for Palestine.

By looking at the most recent policy approaches of Jordan and Lebanon to Palestinians displaced from Syria, the practical implications of the protection gap¹⁷ become apparent. Both countries distinguish between Syrian nationals and Palestinians, even though both are fleeing the identical conflict, resulting in discriminatory policies towards the latter in terms of entry and access to basic services.

Linking their discriminatory policy responses with the greater struggle of Palestinians against Israel and their right to return, the Jordanian government postulates itself as safeguarding the Palestinian cause. Jordan argues that its policies are 'positive' discrimination. This logic imitates the earlier rhetoric used by Arab states after the initial displacement of 1948, which led to the exclusion of Palestinian refugees from the 1951 Convention.

The scenario in Lebanon, though different to Jordan, also has its roots in the compartmentalization of refugees from Palestine and the internationally institutionalized separation of Palestinians. The end result remains discriminatory treatment towards Palestinian refugees. The rights of Palestinians living in Lebanon are restricted in terms of education and employment, leading to extreme socio-economic marginalization of long-standing as well as more recently arriving Palestinian refugee populations.

Syrian refugees are registered with UNHCR and covered by its protection mandate. The *ad-hoc* protection system set up by UNHCR in co-operation with the Lebanese government equips them with a broader set of rights. Palestinian refugees fleeing from Syria, however, are unable to register with UNHCR but with UNRWA, due to the former's interpretation of Article 1D as an exclusion clause. They are therefore not covered by the *ad-hoc* system but by the restrictive pre-existing framework for Palestinian refugees. The UN's policy therefore directly allows for the discrimination against this newly arriving refugee group.

As long as international laws maintain separate treatment for Palestinian refugees, they create a space for a legally sanctioned type of discrimination that is extremely detrimental to displaced Palestinians. The focus should be to integrate Palestinians into the international protection system in place under the 1951 Convention, while simultaneously upholding their future rights such as the right to return. This does not require any radical developments. For example, one option could be to actively implement the aforementioned contingent inclusion clause in Article 1D of the 1951 Convention. To consider this and other options, there is a need for inter-governmental and interagency debate towards a reconfiguration of how Palestinian refugees are placed within the international system.

Endnotes

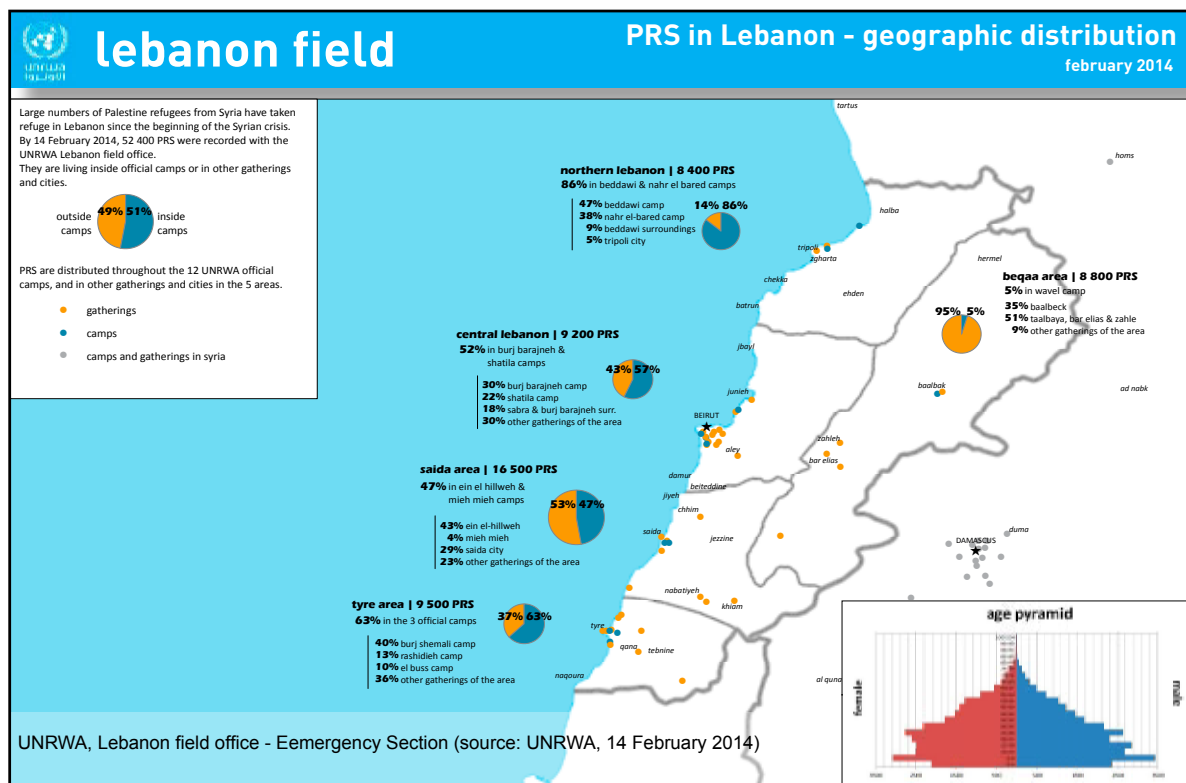
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** This article is based on the author's research paper 'Displacing the Displaced. Challenging the International Framework for Palestinian Refugees in light of the Syria Crisis' published with the Center for Migration and Refugee Studies (CMRS) at the American University in Cairo.*

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Palestinian Refugees from Syria in Lebanon: An Overview

by Ricardo Santos*



The influx of Palestinian refugees into Lebanon started in July 2012, “after a string of mortar attacks upon the Yarmouk refugee camp killed 20 people”, and increased in December 2012, “when a Syrian jet bombed a mosque and a school inside the Yarmouk refugee Camp”.¹ The history of Lebanese experience with Palestinian refugees underlies the current political response to the influx of Syrian refugees,² even more restrictive toward Palestinian refugees from Syria. This is manifest in the Lebanese government’s “reluctance to authorize the establishment of new refugee camps”,³ leading to an overcrowding of already existing Palestinian refugee camps.⁴ As a result, 51% of Palestinian refugees from Syria in Lebanon live in Palestinian refugee camps, in which space and resources are becoming scarce and triggering competition among refugees. With the increase of rental prices, many families share shelters. Only 6% of Palestinian refugees from Syria have a room for themselves, while 70% have to share it with three or more people.⁵

Perhaps the most challenging hardship affecting Palestinian refugees from Syria in Lebanon is entering the country. As early as 8 August 2013, Human Rights Watch reported that Palestinians fleeing Syria were being denied entry into Lebanon.⁶ This event marked a change of policy that established new entry requirements for Palestinian refugees. A second change occurred in May 2014, when another report by Human Rights Watch drew attention to the issue.⁷

Until August 2013, in order to enter Lebanon Palestinians were required to present a prior authorization from Syrian authorities to leave that country, which had to be obtained at the Department for Immigration and Passports in Damascus upon presentation of their Palestinian Refugee Identity Card.⁸ After August 2013, entry in Lebanon was granted to those Palestinians who presented one of the following:

a valid pre-approved visa which required an application made by a guarantor in Lebanon; a valid visa and ticket to a third country – meaning they were only transiting through Lebanon; a scheduled medical or embassy appointment; or if they were able to prove they had family already legally in Lebanon (a family member had to send a valid copy of their residency permit to the authorities as proof).⁹

On 8 May 2014, the Lebanese Minister of Interior announced new regulations affecting the entry of Palestinian refugees from Syria into the country. The new regulations require them to present at least an entry permit approved by the General Security,¹⁰ a one-year or three-year residency visa, an exit and return permit, and/or a valid ticket to a third country, “in which case they can get a 24-hour transit permit”.¹¹ As a result, between 15 April and 31 May, the number of Palestinian refugees from Syria grew by only 73, a decrease compared to the previous six weeks.¹²

Although the Lebanese Minister affirmed that “[t]here is no decision preventing Palestinian refugees in Syria from entering Lebanon and passing through the country”,¹³ a document leaked from Beirut’s Rafiq Hariri International Airport,¹⁴ apparently from the security services,¹⁵ instructed airlines not to transport Palestinian refugees from Syria to Lebanon:

No matter the reason and regardless of the documents or IDs that they hold, under penalty of fining the transporting company in case of non-compliance as well as return of the traveler to where they came from.¹⁶

On 3 May 2014, the date the document was issued,¹⁷ the Lebanese General Security stopped 49 Syrians and Palestinians from Syria at the airport for using forged documents and deported dozens of Palestinian refugees back to Syria, even though they had told the authorities they feared being arrested for evading their mandatory army service.¹⁸

As a result of those restrictions, many enter and remain in the country illegally. Moreover, some Palestinian refugees from Syria already in Lebanon are being denied the possibility of renewing their visas, or encountering “difficulties renewing their residency status, primarily due to the high costs involved, \$200”,¹⁹ keeping in mind that in the first few months of the crisis in Syria, the country’s median wage was around \$255.²⁰ This leaves them “without a clear legal status in the country and at risk of arrest and deportation”.²¹ On 22 May 2014, the Lebanese General Security Office issued a notice requiring Palestinian refugees from Syria to regularize their situation within a month.²²

Table 3: UNRWA in Lebanon

- 27 health centers throughout the country
- 26 contracted hospitals
- 24,550 primary health care consultations
- 368 secondary health care consultations in January 2014
- 60 schools run by UNRWA include Palestinian refugee children from Syria
- 14 UNRWA schools run double-shifts
- Provided legal aid to 670 Palestinian refugees Syria in 2013

Sources:

UNRWA, “PRS Response Emergency - Health Sector,” February 2014.

UNRWA, “PRS Response Emergency - Education Sector,” February 2014.

Those who remain in the country illegally are unable to register births or marriages. In addition, many Palestinian refugees from Syria have “not been permitted to use their family booklets as proof of parents’ identity when trying to register a birth”.²³ More importantly, those persons have their freedom of movement limited, either by their fear of being discovered and deported or by the lack of documentation – which “hamper[s] their movements at checkpoints and entry and exit to some Palestinian camps which require valid residency permits to enter.”²⁴ Consequently, although UNRWA provides services to Palestinian refugees from Syria regardless of their legal status in the country,²⁵ the restrictions on their freedom of movement limit the ability of Palestinian refugees from Syria to access humanitarian assistance.²⁶ Specifically, their legal status affects their accessibility to hospitalization services, provided by third party hospital contracted by UNRWA and run by the Lebanese government or private enterprises.²⁷ Furthermore, by residing in the country without proper documentation, they also have their access to services and justice restricted.²⁸

UNRWA has been working with the government seeking to create more space for individuals (who are there illegally) to *register* and also for some to *enter* the country.²⁹ One of UNRWA’s main efforts has been directed towards family reunification: given the suddenness of the announcement of the new measures, many Palestinian refugees who found themselves outside Lebanon by that time were not allowed back, which resulted in the separation of many families.³⁰ According to UNRWA, “[s]ince the imposition of restrictions and despite UNRWA advocacy on this issue, Palestinian refugees from Syria seeking to enter to join family members already in Lebanon have so far been routinely denied entry”.³¹

Although Lebanon is not a signatory of the 1951 Convention relating to the Status of Refugees, it is still bound by the principles of international customary law, most relevantly, the principle of *non-refoulement*, which prohibits the “return [of] individuals to a situation where they would be at risk of persecution or serious human rights abuses” as well as “the rejection of asylum-seekers at the border”.³² Lebanon is a party to the Convention Against Torture, the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Rights of the Child, “all of which contain *non-refoulement* obligations”.³³

By treating Palestinian refugees from Syria differently from other refugees – that is, by creating discriminatory policies – the country is violating the International Convention on the Elimination of All Forms of Racial Discrimination, to which it is also party.³⁴ Moreover, even the Palestinian refugees who are long-term residents in Lebanon enjoy limited rights to work and to own property, which violates principles lined out in the International Covenant on Economic, Social and Cultural Rights (ICESCR), also signed by the country, as well as in the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child.³⁵

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The Suffering of Palestinian Refugees from Syria in Lebanon: the Implications on the Right to Return

by Mahmoud Zeidan*



Tyre Area. Palestine refugees from Syria staying warm during winter storm Alexa. 14 December 2013 (© Mohammad Marouf/UNRWA Archives)

With Palestine remaining the central concern of the broader Arab nation, being at the center of the conflict between Zionism and the Arab countries, it follows that a constant and persistent monitoring of the changes sweeping through the Arab countries would be instructive to understanding how such changes might impact the Palestinian cause. One urgent and pressing matter within this broad theme is the plight of Palestinian refugees from Syria. While the world's attention has understandably been focused on the repercussions of the Syrian crisis on the wider region, such as the way it impacts Israeli security and the possible impact on religious and ethnic communities across Syria, Iraq and Lebanon, this community has been largely neglected. This marks another chapter in the history of world apathy towards Palestinian refugees, whose suffering extends back to their original forced exile in 1948.

The failure of the Palestinian political leadership to chart a neutral path to avoid entanglement in the domestic affairs of Syria led to a situation where Palestinian refugee camps turned into battlegrounds in the war between the Syrian government's forces and the opposition. This entanglement in the Syrian domestic affairs is a direct result of the lack of a national Palestinian vision to preserve the sanctity of the Palestinian cause. Soon the camps were no longer safe. Unlike their counterparts in Lebanon, Palestinian refugees in Syria had not previously been subject to internal displacement or homelessness, and had never suffered discriminatory government policies. With the intensification of the fighting in and around the camps, and dwindling supplies of food, Palestinian refugees faced two options: either remain in camps and wait for death, or leave Syria towards the unknown.

The violence of the Syrian crisis drove countless Palestinian refugees from Syria into exile in neighboring countries and beyond. Many sought refuge in Jordan, Turkey, Egypt and even the occupied Gaza Strip. Others lost their lives at sea in search for a new home. Lebanon, being the most accessible country, quickly became the largest host of Palestinian refugees from Syria. The bitterness which typified the experience of the refugees who went to Lebanon quickly became a hallmark for the difficulties and challenges faced by all Palestinian refugees from Syria. This bitterness symbolizes the threats facing their Right to Return. The number of Palestinian refugees registered by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) in Syria and who reside in Lebanon as a result of the Syrian crisis stands at 54,000.¹ They very rapidly became victims of the same political context already affecting Palestinian refugees in Lebanon. This is exemplified in the Lebanese authorities' policy of exaggerating the number of Palestinian refugees. While the latest and most reliable data point to no more than 260,000 Lebanon-registered Palestinian refugees, the Lebanese government claims that the number is 460,000.² The Lebanese government, which is not a signatory to the 1951 Refugee Convention, refuses to legally classify Syrian refugees as such, choosing, instead, to define them as "displaced persons", thus prohibiting the creation of new refugee camps.³

The legal status of Palestinian refugees registered by UNRWA in Syria is even more complicated. In the absence of clear instructions and mechanisms for their entry to Lebanon, Palestinian refugees seeking entry to the country from Syria are subject to arbitrary whims of state functionaries at the border crossings. As of 3 May 2014, the Lebanese authorities were only allowing Syria-registered Palestinian refugees entry to the country if they had the documents needed to travel to a third country, with their stay in Lebanon limited to a maximum of nine hours.⁴ Palestinian refugees from Syria who were in Lebanon for a period of less than nine months before that date had the right to renew their residency in the country for a maximum period of three months before being required to leave Lebanon permanently. Palestinian refugees from Syria are allowed to enter Lebanon for the purposes of attending appointments at foreign consulates and embassies, but only if their names are provided by the relevant foreign missions in advance to the Lebanese authorities. These policies were adopted by the Lebanese government following the renewed policy of the Jordanian government to bar Palestinian refugees from Syria from entering the Hashemite Kingdom. The consequences of these policies on the refugees in question have been devastating, and can be seen in the way in which many of them resorted to human traffickers and illegal immigration.⁵

Such restrictive measures resonate with the views expressed by Gebran Bassil, the Minister of Foreign Affairs. Commenting on the flow of Syrian refugees into the country, Bassil stated:⁶

When we say we don't want the displaced Syrians and Palestinians to take our place, this needs to be backed up by action. They are taking the place of the Lebanese by their mere presence, work and life here [...]. This comes out of our sense of nationality and not on racist bases. The emigration from our land must stop. Our youth is leaving and our place shouldn't be given to others... I am not saying that we need to close the borders. Our borders should be for exporting goods abroad and for protecting ourselves and our country, Lebanon, from all that is bad and contraband. This is the reason for having borders, not as an avenue for strange and evil ideas to enter and eat us from the inside.

UNRWA is already heavily burdened with the relief of Palestinian refugees in Lebanon. However, since they do not fall under the mandate of the United Nations High Commissioner for Refugees (UNHCR), UNRWA is the first and last resort for Palestinian refugees from Syria who are also excluded from the aid provided by the Lebanese government for Syrian refugees. This includes education in state-sponsored schools. Any aid from UNRWA, meanwhile, is modest and limited. For example, UNRWA distributes

\$100 for each family every month. This sum is supposed to cover housing expenses, and \$30 for food, pending the availability of funds.⁷ This leaves the refugees with the burden of finding shelter in a country where the average rent for a room exceeds the rental rates in large parts of the developed world, including Europe and the USA. One advantage they enjoy is that of the large Palestinian community in Lebanon, especially in refugee camps, that provides solidarity and assistance. This solidarity is manifest in different ways.

Ein el-Hilweh refugee camp, for example, hosts more than 15,000 Palestinian refugees from Syria, alongside 200 families of Syrian origin, despite the fact that the camp's one square kilometer was already supporting a population of more than 80,000. The institutions entrusted with the welfare of these refugees have largely abandoned them in a moment of distress, leading to a protest which lasted for six months outside of UNRWA's Lebanon Field Office, its main hub in Beirut.⁸ With lack of support from relief agencies, and the prolonged length of stay of Palestinian refugees from Lebanon, many property owners are demanding higher rent rates. As a result, the Popular Committees which provide a semblance of governance in the camps (and which are dominated by Palestinian political factions) are facing mounting challenges. In addition to internal conflicts, corruption and lack of capacity, they also lack the ability to manage humanitarian crises. Today, political factions are required to make additional efforts (instead of politics and national mobilization) to compete with civil society institutions in providing relief and aid work. Lacking the required expertise, however, these factions are failing to provide humanitarian aid, a failing that adds to the being politically ineffective.

Civil Society

There are modest efforts from Palestinian civil society in Lebanon. They focus on providing relief and assistance, which are as scarce as the resources available to that sector. On the political level, there is even less effort. A seminar held by the Aidoun Center for Refugee Rights concluded with an appeal for all parties concerned - the Syrian General Authority for Palestine Arab Refugee Affairs (GAPAR), UNRWA, the PLO, Palestinian factions and the state of Lebanon.⁹ The recommendations include:

Calls on the Palestinian factions to continue their work in order to make Palestinian refugee camps in Syria weapons-free, neutral zones, and to allow these camps to serve as the refugees' starting points in their journeys to return.

Pleading the concerned authorities in Lebanon not to discriminate in the provision of relief services between Palestinian refugees and "displaced" Syrians, and to exempt Palestinian refugees from Syria from restrictions on residency rights and onerous fees.

Consequently, many Palestinian refugees opted to return to Syria: faced with the difficulties placed before them in Lebanon, and plagued by the failure of the Popular Committees and relief agencies to alleviate their plight, they felt that trying their luck in a country where they could be bombed at any instant would be more dignified than the situation they were facing in Lebanon. However, those who did return found the situation to which they came back more bitter than they expected. Return to Syria was always going to be a last resort for Palestinian refugees who went to Lebanon, only to be treated like criminals there. With the security forces forcing them to leave after one year, it was very clear to them that they had to either find another destination to move to, or to go back. The situation is summed up by a Palestinian refugee from Syria, previously resident in the Yarmouk Camp:

I can't go back to Syria, even if the regime wins or the opposition wins. I was imprisoned by the regime and subjected to torture, only because I kept my home in the camp. They accused me of helping the opposition. And those who occupied the camp don't represent me, they are strangers, and Lebanon does not employ Palestinian refugees who are here, how should I live? I have no other option but to immigrate to a European country.

The harsh security and humanitarian reality that Palestinian refugees suffer from in Syria and in the diaspora at large, the failure of the Palestinian factions to prepare the camps and keep them out of the Syrian crisis, and the failure of the international community to support them means that there is a clear threat to the realization of the Right to Return. This threat can be summarized as follows:

First: A pattern of systematic destruction of Palestinian refugee camps is emerging in recent years, like Jenin in Palestine, Nahr al Bared in Lebanon and now the camps in Syria. This destruction aims to dismantle the camps as incubators of the refugee issue. The deteriorating living conditions in the camps notwithstanding, they serve as physical vestiges of the *Nakba* and as bridges to a collective memory of Palestine. Throughout the struggle with the Zionist enemy, the camps remain a sanctuary and home of rebels and preserve the Palestinian national identity.

Second: The multiple displacements of Palestinian refugees serve to distract them from the larger issue of their return to Palestine. The evidence for this is given a dramatic illustration by the Palestinian refugees and Syrians who drowned in the Mediterranean in increasing numbers following the conflict in the Yarmouk Camp.¹⁰ The responsibility for these human tragedies lies on the shoulders of Egypt, which barred Palestinian refugees from entering its borders and humiliated others who were only trying to emigrate.¹¹ Many of those in Egypt were given the choice between going to Gaza or returning to Syria. Other refugees who went to Lebanon were "greeted" by the authorities at Beirut Airport, where they were given a one-week deadline to leave the country.

Third: Palestinian political factions being forced to deal with the humanitarian crises distracts their focus from the original political struggle, primarily the right of return. Political factions are unprepared or qualified to provide humanitarian aid.

Fourth: The crisis in Syria shows that there is a gap between the suffering of Palestinian refugees and the priorities of the Palestinian Authority, which is busy in fruitless negotiations that do not include the refugees. The Palestinian Authority has failed, as it did in the past with Palestinian refugees resident in Iraq, to seize the opportunity to claim the right of Palestinian refugees to return from Syria to their villages as the only solution to end their suffering.

The consequences of the Syrian crisis are severe for the Palestinian refugees and their right of return. There is a need to give their cause its due attention: host countries of Palestinian refugees from Syria should treat them like other legally defined refugees and provide them with protection. The international community has the responsibility to secure the necessary assistance to safeguard the dignity of refugees in Syria and in the diaspora and support their steadfastness. Palestinian factions need to work at all levels: Arab, regional and international, to keep the Palestinian camps in Syria neutral in the Syrian conflict and keep these camps safe for their population until they return to their villages and lands in Palestine. Finally, the Palestinian Authority must raise the refugee issue at the negotiating table, and not miss an opportunity to put pressure on Israel and the international community to implement international agreements and UN Resolution 194.

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The Humanitarian and Legal Status of Displaced Palestinians from Syria and Lebanon

by Souheil El-Natour* and Samer Manna'a**



Palestinian children who were living in Yarmouk Palestinian refugee camp before fleeing Syria, hold banners during a protest in front of the International Committee of the Red Cross (ICRC) in Beirut 17 January 2013. (Source: al-akhbar.com)

Palestinians have been displaced from Syria since the beginning of the conflict. However, since the doors were closed to emigration to other countries (legally and politically),¹ and due to the history of solidarity relationships with Syrians, the displacement of Palestinian refugees in Syria became an internal phenomenon. The refugee camps and relatively secure Palestinian communities were able to absorb those that were forced to flee.

Housing approximately a third of the Palestinians in Syria, Al-Yarmouk refugee camp is the largest camp in Syria. In December 2012 it was attacked by armed groups, forcing the regime's forces to retreat and resort to military air strikes. Notwithstanding, the camp was able to absorb tens of thousands of displaced Palestinians, as well as some Syrians,² before the clashes led to its destruction, the death of hundreds, and the displacement of 95% of its inhabitants.³

Palestinians attempted to keep a neutral position in this domestic Syrian affair since the outbreak of the Syrian crisis. However, the failure to maintain neutrality resulted in the displacement of over 270,000 Palestinians in Syria, of them approximately 200,000 in Damascus alone.⁴ 100,000 Palestinian refugees were displaced outside of Syria,⁵ over half of whom are in Lebanon.⁶

Palestinian refugees from Syria in Lebanon

Refugee protection and assistance

International protection of refugees encompasses three essential elements: physical safety and security, legal protection (ensuring and respecting fundamental human rights and freedoms, including finding a durable solution) and material security.

The UNCCP was established by UNGA Resolution 194 (III) and mandated to provide essential protection and facilitate durable solutions for the 1948 Palestinian refugees. UNRWA, on the other hand, was established to provide humanitarian assistance to the basic needs of Palestinian refugees.

Although it was never officially abolished, UNCCP ceased to make a substantial contribution towards the implementation of its protection mandate in the early 1950s. Under the specific terms of its assistance mandate, UNRWA was not equipped to take over the protection role of the UNCCP, and no replacement mechanism was established.

In this sense, the protection gap emerges because in the absence of UNCCP, no other UN agency was assigned the task to search for durable solutions for Palestinian refugees and in that regard, UNRWA's mandate remained insufficient.

This new displacement as a result of the conflict in Syria has stripped Palestinian refugees of the social protection and independence that they had cultivated since they fled to Syria in 1948. In Lebanon, Palestinian refugees encountered extreme discrimination, whether from the government or the Lebanese society.⁷ The government announced its inability to provide any aid, and some of its members also called for closing the borders, as Jordan and Iraq have done. Others dismissed the worsening security conditions of Palestinians in Lebanon under the pretext of fearing their permanent settlement.⁸ The Lebanese government, as a result, did not provide places of refuge for displaced families, which forced them to live in the camps. This posed an extra burden on host communities due to the population density and the lack of provision of basic health necessities.

UNRWA was, and still is, unable to provide full protection, or even humanitarian assistance to Palestinian refugees from Syria. Firstly, UNRWA argued that the allotted services to Palestinians in Lebanon, which have a specific budget, were already deficient and could not bear any additional burden. Moreover, the assistance to Palestinians within Syria had been given priority, given the danger of areas

of confrontation relative to other areas. Due to this, the already deficient budget allotted to them had been redirected to provide for the enormous exigencies of internal displacement. The budget could not be used to support the refugees in Lebanon, since the existing budget for those within Syria had become more urgent. Displacement of Palestinians within Syria reached 235,000 refugees in 2013, according to an estimate put out by UNRWA in May of that year.⁹ Finally, UNRWA claims that it issued several calls for funding its budget, but the incoming funds were funneled towards Syrians, and UNRWA did not receive but small amounts, which had already been distributed amongst the refugees over a protracted period of time.

However, UNRWA provided some services regarding emergency situations of forced displacement, and it continues to maintain that it is only an aid organization, not in charge of the entire Palestinian cause. Moreover, UNRWA contacted the Lebanese General Security forces to extend the residency of Palestinians displaced from Syria, and has provided very small monetary payments to individuals, and absorbed an equally small number of Palestinians in its schools. As a result, UNRWA needs to cooperate with the Lebanese government sharing the burden regarding Palestinian refugees, based on the agreements reached at the International Conference on Displaced Persons that took place in Kuwait in February 2012.

UNRWA issued several statements saying it would grant the Palestinian refugees from Syria the same treatment given to the Palestinians in Lebanon. These reports did not take into account that most of the Palestinians in Lebanon struggle daily and call upon UNRWA to grant them the most basic levels of treatment and hospitalization.¹⁰ It also ignored the meager health capabilities of UNRWA's clinics, the lack of even the most basic of treatments; the fact that hundreds of Palestinian families from Syria were forced to beg for treatment at the doors of public and private hospitals, to no avail; and the decreasing capabilities of the Palestinian Red Crescent Society's hospitals as well.

In terms of education, UNRWA reports indicated that about 6,000 students joined UNRWA schools. In addition, over 900 children attended transitional programs specified for them, in order to guarantee that they are properly acclimated and can continue their education. However, the larger portion of Palestinian refugee students, estimated to be approximately 11,000, was not taken into account. These students have no access to education. In addition, UNRWA was unable to provide enough instructors, due to the difference in curricula between Syria and Lebanon.

Lack of leadership

The official Palestinian leadership did not offer any support to the Palestinian refugees from Syria, except for some factions, institutions and popular committees.¹¹ There is an evident lack of a single Palestinian leadership, whether central (as a political reference point) or local (popular committees). This led to the neglect of responsibilities and shifting them from one party to another.

The inability to anticipate the possibility of a Palestinian exodus from Syria also had an impact on how the Palestinian leadership handled this crisis. The conditions in which Palestinians lived in Syria and the favorable state policies made the current situation unthinkable and caused the lack of preparation for assisting these massive waves of refugees.

The greatest gaps in the performance of the Palestinian social and political bodies can be felt in Lebanon, in the way they dealt with the case of Palestinian refugees coming from Syria:

- Lack of preparation and sufficiently comprehensive emergency plans by factions, popular institutions, civil society institutions, or social groups.
- Dominance of individualistic, factionalist and exclusionary types of logic when working in the field of humanitarian aid, which results from the increase in the prevailing exclusionary culture as a result of political divisions.
- Slow pace in dealing with Palestinian refugees from Syria, resulting from a short-term political vision that saw it as a crisis that will take a matter of days.
- Unpreparedness of UNRWA and its inability to aid the refugees.
- Refusal of the Lebanese government to take responsibility for the refugees, which has shifted to UNRWA, coupled with the silence of other political and social organizations.
- Slowness of the Palestinian leadership (the PLO, the Consulate, the political factions, etc.) in dealing with the issue of aid seriously, instead shifting the responsibility towards UNRWA.
- Lack of a body in charge of organizing wealthy Palestinians outside of Lebanon and Syria, so that they may play their role in systematically aiding the refugees.

The Legal Status of the Palestinians Displaced from Syria to Lebanon

The point of entry into Lebanon was subjected to strict bureaucratic measures ever since Palestinians began to come in from Syria. In addition to having to provide travel documents issued by the Syrian authorities, the refugees also had to pay fees for entry reaching \$150, which only provided the right to stay in the country for one week. For a three-month extension additional fees were required.¹² These fees are very costly, especially when compared to the fees paid by the Syrian citizens traveling to Lebanon. Nonetheless, waivers were included in these fees as a result of repeated request from the leadership of the Palestinian factions.¹³ The identity cards and travel documents issued by the Syrian authorities for Palestinian refugees remain the first condition for legal flight across Syrian-Lebanese borders. The agreement between both countries allows the holder of these documents to pass, including the fee requirements and an adherence to the agreed-upon period, but most refugees never requested for such documents to be issued, which prevented many of them from even thinking of fleeing to Lebanon. Palestinians do not enjoy the same level of protection as Syrian citizens. The UNHCR diverted the responsibility over Palestinian refugees from Syria to UNRWA, since it is the official international body responsible for assisting Palestinian refugees.

Recommendations

- Secure displaced Palestinians from Syria with legal international protection and take into account the situation of emergency and security risks that surrounds them.
- Cancel all decisions and policies that discriminate against Palestinians displaced from Syria to Lebanon.
- It is necessary to find a mechanism or to create a database and share information among all bodies, local committees and regional organisms for relief of Palestinian refugees from Syria.
- There is also a need to coordinate the relief operations on the basis of equitable distribution and integration of disciplines, in addition to monitoring the quality of the materials distributed.
- Finally, a strategy must be devised to involve embassies, international aid organizations, human rights and charities, and to coordinate all efforts to provide for the needed support. This would include customizing programs to address the social, educational and work-related problems. It would also involve activating the role of unions to contribute in providing medical services to refugees in cooperation with existing institutions like UNRWA or the Red Crescent Society.

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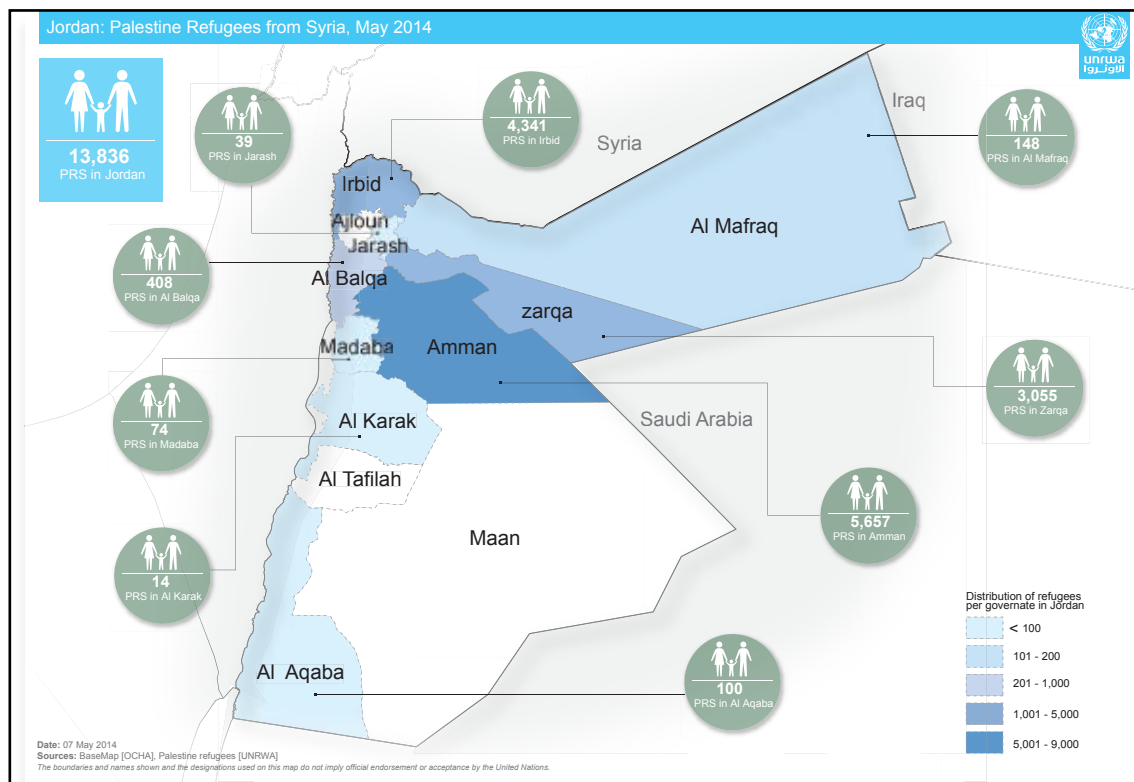
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Palestinian Refugees from Syria in Jordan: An Overview

by Ricardo Santos*



Palestinian refugees from Syria started fleeing to Jordan as early as March 2011, when the conflict reached the city of Dar'a, six kilometers from the Jordanian border.¹ The history of Jordanian-Palestinian relations seems to be behind the restrictive policies toward Palestinian refugees from Syria, officially announced by the Jordanian government in January 2013, but in practice since 2012.² What was called by Nikita Malik as the "Black September complex" – i.e., "[m]emories of the 1970 Black September civil war between the Jordanian government and Palestinian refugee militias" – "make Jordanian authorities wary of any political activities among the Syrian refugees",³ including Palestinian refugees from Syria. At the same time, the fear of being taken as the "alternative land" for Palestinians appears in official justifications of such policies: Jordanian authorities told Amnesty International in June 2013 that they do not wish to harm Palestinians' "right of return" and "that Israel should bear responsibility for the plight of Palestinian refugees".⁴

Prior to April 2012, Jordanian authorities had allowed at least 1,300 Palestinian refugees from Syria in the country under the same procedures applied to Syrian refugees.⁵ However, in April 2012 Jordan adopted a no-entry policy that has subjected hundreds of Palestinian refugees from Syria to *refoulement* – i.e., returned at the border – since May 2012, out of which around two-thirds are women and children,⁶ and with over one-third of the cases occurring between January and March 2014.⁷ Jordanian restrictive policy applies not only to Palestinians with Syrian documents, but also to Palestinians who were living in Syria

with Jordanian identification papers – that is, descendants of Jordanian citizens of Palestinian origin, “some of whom fled to Syria in 1970-71 following the Black September”.⁸

In addition, dozens of Palestinian refugees from Syria have been forcibly returned to Syria from Jordanian soil. Both Human Rights Watch and Amnesty International reported cases of Palestinians being returned to Syria by force and at gunpoint. Even Palestinians who hold Jordanian citizenship and entered the country legally – which compose 51% of Palestinian refugees from Syria registered with UNRWA Jordan – still face risks of confiscation of documents and withdrawal of nationality,⁹ as happened to the members of four families interviewed by Human Rights Watch.¹⁰ As reported by the Assessment Capacities Project (ACAPS) and MapAction, there has been a significant increase in the number of Palestinian refugees from Syria being forcibly returned to Syria in early 2014, with over 100 cases since 2013.¹¹

The Jordanian restrictive policy toward Palestinian refugees from Syria has the effect of separating families. Many refugees interviewed by Amnesty International said “they had family members stuck inside Syria who were unable to enter Jordan to be with [them, because of] their Palestinian identity”.¹² As one Palestinian man from Syria told the organization, his two sons were denied entry “on account of their Palestinian identity” and are now missing, possibly dead.¹³

UNRWA and partner agencies continue to engage Jordanian authorities on *refoulement*, urging the government to grant temporary access and protection to Palestinians fleeing the Syrian conflict, while appealing the international community to increase its assistance to the Kingdom.¹⁴

Despite the ban on their entry, Palestinian refugees from Syria continue to enter Jordan through unofficial border crossings and relying on smugglers,¹⁵ thus remaining in the country illegally. Even though UNRWA has no capacity to monitor movements at the border and, most importantly, Palestinian refugees from Syria are not required to report their entry points when recording with the agency,¹⁶ their illegal status in the country seems to affect their seeking for assistance. Many Palestinian refugees from Syria are believed to be living in hiding for fear of being arrested or returned to Syria and generally they “do not come forward for assistance until several months after their arrival, when they have exhausted their resources and coping mechanisms”.¹⁷ Indeed, the majority of Palestinian refugees from Syria registered with UNRWA in 2014 reported having entered the country in 2013 and 2012, indicating the gap between their entry and their seeking UNRWA’s support.¹⁸

Table 4: UNRWA in Jordan

24 health centers throughout the country

57% of consultations in UNRWA clinics were made by women and girls

136 schools across Jordan

53% of its students are girls

Sources: UNRWA, Syria Crisis Response Annual Report - 2013, 11, 27-28.

Moreover, the undocumented status of Palestinian refugees from Syria in Jordan impacts the protection they enjoy in the country. Human Rights Watch reported that two Palestinians refrained themselves to “seek protection or redress for abuses ranging from economic exploitation to street harassment” precisely because of their illegal status.¹⁹ For example, the illegal status of some Palestinian refugees from Syria in Jordan renders registering births and marriages impossible.

Syrian refugees who cross into Jordan through irregular channels are temporarily detained until “they establish their identity, pass security screening, and a Jordanian national steps forward to act as a guarantor”. In contrast, Palestinian refugees from Syria, who were initially also released under the guarantor policy, began to be excluded from such policy by mid-April 2012, without being given any explanations by Jordanian authorities.²⁰

Cyber City

Since April 2012, all Palestinian refugees from Syria who enter the country illegally started being transferred to Cyber City²¹, a “closed facility near the border where their movements are severely restricted”²², also taken as a “refugee camp”²³. Cyber City now houses approximately 190 Palestinians,²⁴ while the remaining 99% Palestinian refugees from Syria in Jordan live in host communities, typically in rented apartments.²⁵

Although refugee camps usually restrict freedom of movement, Syrians have the option of leaving the camp if “bailed out” by a Jordanian, such as in Zaatari refugee camp, for example.²⁶ This possibility also exists in Cyber City, but only for Syrian refugees. Since April 2012, Palestinian refugees from Syria are not permitted to “bail out” to live in host communities, and, thus, remain confined “to the one six-story building in which they live and its immediate vicinity”, in conditions that “amount to detention”.²⁷ Other than short periods of leave, during which Palestinians can visit their family members in Jordanian cities, Palestinian refugees from Syria can only leave Cyber City to return to Syria.²⁸

Another issue that afflicts Palestinian refugees from Syria in Cyber City is the separation of their families. In addition to families who got divided between Syria and Jordan, due to Jordanian restrictions at the border, as mentioned above, several Palestinian refugees from Syria from Cyber City told Amnesty International they had “non-Palestinian family members living as refugees elsewhere in Jordan” whom they were not allowed to visit or to go live with.²⁹ UNRWA continues to pay regular visits to monitor and respond to the protection needs of such vulnerable population as well as to advocate for humanitarian bailout for Palestinian refugees from Syria residents in Cyber City, especially for family reunification.³⁰

Jordan is not a signatory of the 1951 Convention. However, the country is still bound by international customary and the principle of *non-refoulement*, also present in the Convention Against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Rights of the Child (CRC), all to which Jordan is a state party.³¹

The discriminatory policies adopted by Jordan toward Palestinian refugees from Syria violate the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), to which the country is also party. Moreover, the arbitrary detention of Palestinian refugees from Syria in Cyber City violates Jordan’s international obligations, including the International Covenant on Civil and Political Rights.³²

Although the rights situation of Palestinian refugees from Syria in Jordan is very similar to the one Palestinian refugees from Syria face in Lebanon, the issue seems to lack a strategic response from the UN, given that there is no mention of Palestinian refugees in the Jordan section of the United Nations 2014 Syria Regional Response Plan.³³ Consequently, UNRWA is largely left alone in providing Palestinian refugees from Syria with humanitarian assistance as well as education and health services.³⁴

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Cyber City in Jordan: the Epitome of Palestine Refugees' Despair and Legal Limbo

by *Hanine Hassan**



5 40,000 Palestinian refugees lived in Syria prior to the outbreak of the conflict in March 2011. For more than 40 years, Syrian governments claimed to be protectors of Palestinian refugees and guardians of their right of return to Palestine. However, in the course of the Syrian civil war, government forces did not refrain from shelling Palestinian refugee camps, resulting in extensive civilian casualties and destruction. According to UNRWA, more than 70% of the Palestine refugees in Syria are in need of emergency humanitarian assistance, and more than 50% are internally displaced.¹

Jordan: not a safe haven for Palestinian refugees from Syria

At least 1,300 Palestinians escaping Syria were allowed to enter Jordan in the first year of the conflict.² Palestinian refugees were permitted to apply to the same procedures governing entry of Syrian nationals.³ As the conflict in Syria escalated into a civil war, Jordan decided to amend its policies regarding Palestinian refugees and started banning their entry into its territory on April 2012. This meant that Palestinian refugees were no longer treated equally to Syrian refugees, and subsequently Palestinian refugees already in Jordan were banned from the established camps like Zaatari and others, permits to leave their temporary facilities

were revoked and the refugees on whom the authorities could catch were forcibly deported back to Syria. In 2013, Jordan adopted and enforced a policy of non-entry to all Palestinians fleeing the Syrian conflict, thus aggravating the extreme vulnerability of Palestinians seeking safety, and that of those who have already sought safety within Jordan. By declaring Palestinian-Syrian refugees *personae non gratae*, the Jordanian Authorities stripped them from their right to protection, and by such making them susceptible to abuses, exploitation, arrest, and deportation. Additionally, all unregistered Palestinian refugees are denied access to education and healthcare, and they cannot work. Moreover, Palestinian refugees from Syria are not allowed into established refugee camps, therefore are forced to seek housing in the expensive private market. Finally, the Jordanian authorities commit grave violations of international law by deporting refugees back to Syria. It is thus becoming harder for Palestinian refugees to enter Jordan. [UNRWA acknowledges that](#) “the irregular status of Palestinian Refugees from Syria in Jordan means they endure a considerable degree of insecurity. They face difficulties in civil processes such as registration of births and in access to government services, and are at constant risk of *refoulement*.”⁴

According to UNRWA, as of April 2014, 13,836 Palestinian refugees from Syria have approached the UN agency. “Most [Palestinian refugees from Syria] in Jordan live in poverty and their precarious legal status creates difficulties for civil processes, access to services and employment. Along with some 200 Syrians, 188 [Palestinian refugees from Syria] are held in ‘Cyber City’, a government-appointed facility near Ramtha.”⁵ Human Rights Watch reported in 2012 that “the Jordanian authorities have forcibly returned some newly arriving Palestinians from Syria and threatened others with deportation. Since April 2012, the authorities have also arbitrarily detained Palestinians fleeing Syria in a refugee holding center without any options for release other than return to Syria.”⁶ In 2013 and 2014, Human Rights Watch documented Jordan’s *refoulement* of seven Palestinians from Syria, of which at least one was killed after Jordanian authorities deported him and his wife and two young children back to Syria. Four others were transferred to Cyber City, a closed holding facility for Palestinian and Syrian refugees.⁷

Cyber City: the entrapment of Palestinian refugees from Syria in Jordan

Cyber City is a closed holding center for Palestinian refugees, located in an industrial zone in the north of Jordan. Cyber City houses approximately 180 Palestinians and 200 Syrians in one of its six-story buildings. Most of the 200 Syrian refugees in Cyber City are those who happen to be married or acquainted to Palestinians, or being single parents to Palestinian children. The policy of placing Syrians among Palestinians in Cyber City was deliberately chosen by the Jordanian authorities, because by mixing two nationalities in one camp, Cyber City could never become an exclusively Palestinian refugee camp. The Jordanian Authorities stated repeatedly over the course of the Syrian conflict that Jordan will not open its border to the half million [Palestinian refugees from Syria] and will not tolerate Palestinian refugee camp number 11 on its territory,⁸ which might turn Jordan into the permanent alternative for some two million Palestinian refugees already established in the country.

The premeditated policy of fencing in Palestinian refugees into Cyber City and hermetically sealing them off from any access to their rights to protection, movement and education, is the tale of more than 66 years of displacement and dispossession that four generations of Palestinian refugees have been suffering from. The Jordanian authorities erected a fence around the entire compound, and placed two police checkpoints, one at the entry of the industrial area and the other within the confines where the Palestinian refugees are detained as a higher level of security is enforced. The second checkpoint restricts the freedom of movement of refugees to the building and the immediate vicinity. In addition, there is an intelligence bureau under the command of the Jordanian army that has the duty to screen and monitor every movement within the camp, either from the refugees themselves or the flow of aid from UN and other humanitarian

organizations. At times, security forces prohibit non-governmental organizations and humanitarian workers with valid permits from accessing the camp, making it difficult to ensure refugee rights are upheld and proper protocol is followed.⁹ The residents of Cyber City can leave every two to three weeks to visit their family members in Jordanian cities for a maximum period of 48 hours. Other than that, Palestinians living in Cyber City can only leave the camp to return to Syria.

Detained refugees have complained about mistreatment, and cries for help continue to emerge from Cyber City.¹⁰ According to Human Rights Watch “at least one man, Mahmoud Murjan, died after Jordanian authorities deported him from Cyber City to Syria in September 2012”. He was forcibly returned to Syria, along with his wife and children, on 25 September 2012.¹¹ Amnesty International reported that he was “forced by Jordanian security officials to sign a ‘voluntary’ paper that he would go back to Syria despite allegedly being wanted by the Syrian authorities”,¹² and an interviewee who spoke to the organization on the phone as he was being returned told Human Rights Watch that “the authorities who took him to the border threatened to shoot him if he did not continue walking back into Syria”.¹³ Murjan was killed in Syria 20 days later, on 15 October, after armed men invaded his house, shot him in the leg in the presence of his wife and children, and pulled him into a car. Later that day, his body, showing marks of torture, was dumped on the street in front of his father’s house”.¹⁴

On two separate notes, two residents from Cyber City spoke to the Euromid Observer for Human Rights and mentioned an attempted suicide by a refugee who was threatened by Jordanian authorities to be deported back to Syria. Four young students were able to flee the camp in an attempt to continue their education, but did so at the price of not seeing their families again.

The abuse and deportation are not the only evidence of Palestinian refugees’ entrapment in Jordan. Cyber city’s state of poverty, the uninhabitable small rooms that are overcrowded and suffering from mold and moisture: keep them locked in, with minimum resources to survive, just enough to keep them alive but do not make it too comfortable so as to push them to leave Jordan or see alternatives. While Jordanian authorities have been responsive toward Syrian refugees, granting them humanitarian services and allowing the UN High Commissioner for Refugees to support them, Palestinian refugees from Syria are rarely eligible for such services.¹⁵

Categories of Palestinians

The Palestinian refugees in Cyber City symbolize the statelessness and legal limbo the Palestinian refugees are enduring on a daily basis everywhere in the world. Most of the refugees are UNRWA-registered refugees whose families originally fled Palestine to Syria in 1948. These Palestinians carry two kind of legal documentation: UNRWA card and a Syrian travel document for Palestinian refugees issued by the Syrian “General Administration for Palestine Arab Refugees (GAPAR)”.

The second category of Palestinian refugees carry (expired) Jordanian passports or other Jordanian identity documents such as family books or birth certificates and were deported by the Jordanian authorities to Syria in 1970-71, following the Black September fighting between Palestinian armed groups and the Jordanian army. These Palestinians do not hold Syrian-government issued ID cards, neither their children who were born in Syria. Their children were not allowed to inherit their parents’ Jordanian passports or travel documents, nor were they granted a Syrian travel document. The children and grandchildren of those who were involved in Black September more than 40 years ago are until this day held accountable by the Jordanian government for something their grandparents might have done before they were even born.

A third category of Palestinians received identity documents issued by the Palestinian Liberation Organization mission in Damascus, along with their birth certificates they can prove to which category of Palestinian refugees they belong. Finally, the fourth category is that of Palestinians whose Jordanian citizenship has been stripped by the Jordanian Authorities, depriving them from any form of valid identification. Jordan has deported at least two Palestinians back to Syria after annulling their Jordanian passports, and in such endangering their lives as they cannot identify themselves at government nor opposition checkpoints, forcing them to live in risk and without access to humanitarian assistance.

There is one case of a young man, Ali, in his twenties, born to a Palestinian father with a temporary Jordanian passport and a mother who carries a Lebanese travel document for Palestinian refugees. Ali's grandfather was deported from Jordan to Syria following Black September in 1970. "Ali was not yet then born, but his entire family is now blacklisted and prevented from seeking refuge in Jordan — despite Ali's father holding Jordanian documents. Ali lacks any official documents proving his nationality. He was not able to inherit his father's Jordanian passport, nor to be added to his mother's Lebanese UNRWA family card, nor able to obtain any Syrian documentation, leaving him an embodiment of the eternally stateless Palestinian refugee".¹⁶

Jordanian Prime Minister Abdullah Ensour said: "We have to take all measures to ensure that Jordan does not become a substitute homeland for the Palestinians,"¹⁷ disregarding the fact that these Palestinians fleeing the Syrian war are humans before being Palestinians. Ensour added that Palestinians from Syria should be allowed to return to their places of origin in Palestine, and that "Jordan is not a place to solve Israel's problems. "Additionally, the head of Jordan's Royal Hashemite Court told Human Rights Watch "that the influx of Palestinians would alter Jordan's demographic balance and potentially lead to instability".¹⁸ Deportations of Palestinians to Syria are a violation of Jordan's international obligation of *non-refoulement*, the international customary law prohibition which protects refugees from being sent back to places where their lives or freedoms could be threatened.

Unlike the rest of the Syrian population, this was not Palestinian refugees' first exodus to neighboring countries. For some Palestinians, this was their second or third displacement since their initial expulsion from Palestine in 1948. Unfortunately, Palestinian refugees have been caught in a limbo of regional politics and the blind spots of international law, making them the most vulnerable refugee group in the Middle East. More than half a million Palestinians in Syria are refugees and stateless persons and members of a dispossessed people, as another generation of Palestinians is forced to experience the trauma of displacement in search of safety.

Cyber City in Jordan is a relevant illustration that the applicability of human rights is not a universal concept. Discrimination on the base of ethnicity is taking place as Palestinian refugees from Syria are being prevented from their rights to protection, education, and freedom of movement while fearing deportation and intimidation.

Palestinian refugees from Syria in Jordan are being shunned even by UN organizations, relief organizations and donor countries which have not addressed properly the humanitarian concerns facing Palestinians refugees in Jordan. According to Human Rights Watch, "the 2014 Syria Regional Response Plan's section on Jordan, which frames policy dialogue and operational coordination, excludes Palestinians, and the Inter-Agency Task Force (IATF), the local coordination mechanism for aid agencies working on the Syria refugee response in Jordan chaired by the United Nations High Commissioner for Refugees (UNHCR), does not discuss issues relating to Palestinians from Syria".¹⁹

Palestinian refugees have been let down first and foremost by the Palestinian Authority which has failed to intervene and publically condemn the deportations and to demand the Jordanian Authorities to revoke its no-entry policy to Palestinian refugees from Syria. The Jordanian government is committing severe violations of humanitarian and international law through its treatment of Palestinian refugees. Yes, Israel is the core responsible for the suffering of Palestinian refugees by denying them their right of return to their villages and towns, but until Israel is forced into respecting International Law, the Palestinian refugees fleeing the Syrian war should not be left to perish.

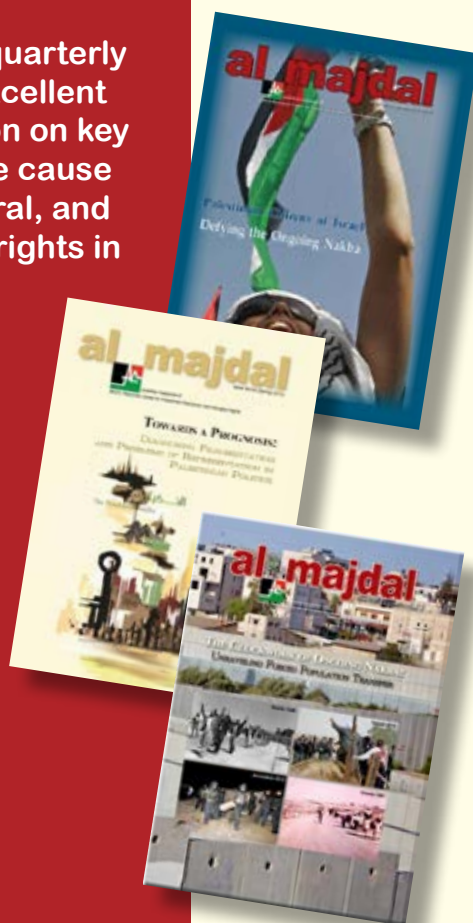
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al-Majdal is Badil's quarterly magazine, and an excellent source of information on key issues relating to the cause of Palestine in general, and Palestinian refugee rights in particular.



ABOUT THE MEANING OF al-Majdal

al-Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, al-Majdal was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 Nakba. Majdalawis produced a wide variety of crops including oranges, grapes, olives and vegetables. Palestinian residents of the town owned 43,680 dunums of land. The town itself was built on 1,346 dunums.

The town of al-Majdal suffered heavy air and sea attacks during the latter half of the 1948 war in Palestine. Israeli military operations (Operation Yoav, also known as “10 Plagues”) aimed to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three-quarters of the city's residents had fled to the Gaza Strip. Israel subsequently approved the resettlement of 3,000 Jews in Palestinian refugee homes in the town. In late 1949 Israel began to drive out the remaining Palestinian population using a combination of military force and administrative measures. The process was completed by 1951. Israel continues to employ similar measures in the 1967 occupied West Bank, including eastern Jerusalem, and the Gaza Strip.

Palestinian refugees from al-Majdal now number over 71,000 persons, and Israel has Hebraized the name of their town as “Ashkelon.” Like millions of other Palestinian refugees, Majdalawis are not allowed to return to their homes of origin. Israel opposes the return of the refugees due to their ethnic, national and religious origins. al-Majdal, BADIL's quarterly magazine, reports about and promotes initiatives aimed at achieving durable solutions for Palestinian refugees and displaced persons based on international law and relevant resolutions of the United Nations.

